IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 26529 of 2007(S)

(Crl.M.C.449/03 of the Family Court, Thiruvalla)
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PETITIONER:

JACOB THOMAS @ SHIBU, MAYALIL VEEDU,
KOIPRAM VILLAGE, THIRUVALLA TALUK.

BY ADV. SRI.MVS.NAMBOOTHIRY
SRI.R.VINOD

RESPONDENTS:
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1. ANITHA M.YOHANAN, D/O.YOHANAN,
MALIYIL VEEDU, THIRUMOOLAPURAM PO,
THIRUVALLA.

2. SHALU ELSA JACOB,(MINOR AGED 12 YEARS)
D/O.ANITHA M.YOHANAN, RESIDING AT DO.DO)

3. SHARON SUJA JACOB,(MINOR AGED 5 YEARS)
D/O.ANITHA M.YOHANNAN, RESIDING AT DO.DO
(MINOR RESPONDENTS 2 AND 3 ARE REPRESENTED BY
GUARDIAN AND MOTHER ANITHA M.YOHANNAN-1ST RES)

BY ADV. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.26529/07

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE ORDER IN CRL.M.C.449/03 OF THE FAMILY COURT, THIRUVALLA.

EXT.P2 : TRUE COPY OF THE GIFT DEED NO.930/06

EXT.P3 : TRUE COPY OF THE ORDER DT. 14.5.07 IN CMP 462/05 OF THE FAMILY COURT, THIRUVALLA.

EXT.P4 : TRUE COPY OF CMP 119/07 FILED BEFORE THE FAMILY COURT, THIRUVALLA.

EXT.P5 : TRUE COPY OF THE OBJECTION FILED TO CMP 119/07.

TGS

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

W.P.(C) No.26529 of 2007

Dated 8th October, 2007.

J U D G M E N T

Kurian Joseph, J.

The writ petition is filed mainly with the following prayer :-

> "To issue an order directing the learned Judge of the Family Court, Thiruvalla to accept the objection of the petitioner and to consider and pass orders on the same before insisting on the payment of the maintenance amount awarded in Ext.P1."

2. Heard the counsel appearing for the petitioner as well as the respondents. Having regard to the facts and circumstances of the case, there will be a direction to the Family Court, Thiruvalla to dispose of Ext.P4 petition, after taking into consideration Ext.P5 objection filed by the petitioner, as expeditiously as possible, at any rate, within two months from the date of production of a copy of the judgment by either party. The

interim order passed by this Court on 6.9.2007 will continue till such time. We make it clear that we have not expressed any opinion as to the merits of the case and the entire contentions are left open.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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